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7 E-NETSECURE SERVICES, INC., ISMART SECURE LLC,
8 INTEGRITY DATA APPLICATIONS CONSULTING, LLC,
9 JOSEPH BAGGIO, and JONATHAN BALZORA

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

E-FILED - 12/6/05

12 Plaintiff,

13 vs.

14 ISMART INTERNATIONAL LIMITED, an India
15 Corporation,
16 Plaintiff,
17 vs.
18 I-DOCSECURE, LLC, a California Limited
19 Liability Company; E-NETSECURE SERVICES,
20 INC., a California Corporation; INTEGRITY
DATA APPLICATIONS CONSULTING, LLC, a
California Limited Liability Company; JOSEPH
BAGGIO, an individual; and JONATHAN
BALZORA, an individual,
Defendants.

Case No.: C 04-03114 RMW

**STIPULATION AND ORDER
RE CASE MANAGEMENT SCHEDULE**

21
22 AND RELATED COUNTERCLAIM
23

24
25 IT IS HEREBY STIPULATED, by and between the parties hereto through their
26 respective undersigned counsel:

27 WHEREAS, the Court set a trial date and various pre-trial deadlines in its Case
28 Management Conference Order which was signed on April 11, 2005, and amended those deadlines

1 pursuant to Stipulation and Order signed July 27, 2005;

2 WHEREAS, counter-defendant Raj Dhesikan's first appearance in this lawsuit did not
3 occur until July 5, 2005;

4 WHEREAS, after several extensions, the parties agreed to a deadline of July 19, 2005 to
5 produce initial disclosures;

6 WHEREAS, plaintiff and counter-defendant iSmart International served document
7 requests on defendants and counterclaimants with an original production deadline of July 11, 2005;

8 WHEREAS, plaintiff and counter-defendant iSmart International granted defendants and
9 counterclaimants an extension through July 19, 2005 for the production of documents responsive to
10 iSmart International's document requests;

11 WHEREAS, counsel for defendants and counterclaimants filed a request to release their
12 attorney of record on July 15, 2005;

13 WHEREAS, on August 4, 2005, the Court granted the request of defendants and
14 counterclaimants to release their attorney of record, permitted the individual defendants to proceed pro
15 se until further substitution of counsel, and required the entity defendants to identify substitute counsel
16 within 25 days of its order;

17 WHEREAS, on August 29, 2005, defendants and counterclaimants applied to substitute
18 Sullwold & Hughes as new counsel;

19 WHEREAS, on September 6, 2005, counsel for plaintiff and counter-defendant moved to
20 withdraw from further representation of plaintiff and counter-defendant;

21 WHEREAS, on September 13, 2005, the Court granted the motion of counsel for plaintiff
22 and counter-defendant to withdraw, and required plaintiff and counter-defendant to identify substitute
23 counsel within 30 days of the order;

24 WHEREAS, on October 5, 2005, the Court granted the application of defendants and
25 counterclaimants to substitute Sullwold & Hughes as their counsel;

26 WHEREAS, on October 13, 2005, Sedgwick, Detert, Moran & Arnold LLP appeared as
27 counsel of record for plaintiff and counter-defendant;

28 WHEREAS, new counsel for plaintiff and counter-defendant has not completed review of

1 the files received from prior counsel;

2 WHEREAS, during the period from July 15, 2005 through October 13, 2005, the parties
3 were unable to conduct discovery due to the above-mentioned withdrawals and substitutions of counsel;

4 WHEREAS, new counsel for the parties have not had sufficient time to investigate and
5 prepare for a mediation of this matter;

6 WHEREAS, the deadline for completing mediation is set for December 12, 2005;

7 WHEREAS, the deadline for expert witness disclosure is set for January 20, 2006;

8 WHEREAS, the deadline for completing non-expert discovery is February 10, 2006;

9 WHEREAS, the last day to hear dispositive motions is March 13, 2006;

10 WHEREAS, the deadline to complete expert discovery is set for March 24, 2006;

11 WHEREAS, a Further Status Conference is set for December 18, 2005;

12 WHEREAS, trial of this matter is to be set for a date after May 21, 2006; and

13 WHEREAS, the parties agree that all the aforementioned factors support continuing the
14 dates set forth in the Court's Case Management Conference Order to allow new counsel to become
15 familiar with the relevant facts and evidence, and to prevent the court, the parties, and the mediator from
16 wasting time on a meaningless mediation and unworkable pre-trial dates.

17 NOW, THEREFORE THE PARTIES THROUGH THEIR COUNSEL HEREBY
18 STIPULATE AND AGREE that, subject to approval of the Court, an Order should issue continuing the
19 dates in the Case Management Conference Order as follows:

- 20 1. The last day to complete mediation shall be continued to March 15, 2006;
21 2. The deadline for expert witness disclosure shall be continued to April 21, 2006;
22 3. The deadline for completing non-expert discovery shall be continued to May 19,
23 2006;
24 4. The last day to hear dispositive motions shall be continued to July 14, 2006;
25 5. The deadline to complete expert discovery shall be continued to July 28, 2006;
26 6. The trial shall be continued to a date after October 1, 2006, with the exact date to be
27 determined at the next status conference on December 16, 2005 at 10:30 a.m.; and

7. The Final Status Conference shall be continued to a new date based on the trial date set at the next status conference on December 16, 2005 at 10:30 a.m.

IT IS SO STIPULATED.

DATED: November 18, 2005

ROBERT T. SULLWOLD
JAMES A. HUGHES
SULLWOLD & HUGHES

/S/
JAMES A. HUGHES

Attorneys for Defendants INTEGRITY DATA
APPLICATIONS CONSULTING, LLC and JONATHAN
BALZORA and Defendants and Counterclaimants
I-DOCSECURE, LLC, E-NETSECURE SERVICES, INC.,
ISMART SECURE LLC and JOSEPH BAGGIO

DATED: November 18, 2005

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: _____ /S/
MARC A. KOONIN

Attorneys for Plaintiff and Counter-defendant ISMART
INTERNATIONAL LIMITED and Counter-defendant RAJ
DHESIKAN

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/30 , 2005

/S/ RONALD M. WHYTE

Hon. Ronald M. Whyte
United States District Judge